1 2 3 4 5 6 7	BRIAN M. DAUCHER, Cal. Bar No. 17-ROBERT S. BEALL, Cal. Bar. No. 1320 JOSEPH H. TADROS, Cal. Bar. No. 239 ASHLEY E. MERLO, Cal. Bar No. 2479 SHEPPARD, MULLIN, RICHTER & H. A Limited Liability Partnership Including Professional Corporations 650 Town Center Drive, 4th Floor Costa Mesa, California 92626-1993 Telephone: (714) 513-5100 Facsimile: (714) 513-5130 bdaucher@sheppardmullin.com jtadros@sheppardmullin.com	916 9379
8	Attorneys for Defendants	
9		
10	UNITED STATES DISTRICT COURT	
11	CENTRAL DISTRICT OF CALIFORNIA	
12		
13	TRAFFICSCHOOL.COM, INC., a	Case No. CV 06-7561 PA (CWx)
14	California corporation; DRIVERS ED DIRECT, LLC., a California limited	The Hon. Percy Anderson
15 16	liability company,  Plaintiffs,	DECLARATION OF RAJ LAHOTI IN SUPPORT OF EX PARTE APPLICATION FOR INTERIM
17	V.	STAY OF INJUNCTION AND MOTION TO STAY IN
18	EDRIVER, INC., ONLINE GURU, INC., FIND MY SPECIALIST, INC.,	INJUNCTION
19	and SERIOUSNET, INC., California corporations: RAVI K. LAHOTI, an	Hearing Information – Motion for Stay: Date: October 20, 2008
20	individual; RAJ LAHOTI; an individual; DOES 1 through 10,	Time: 1:30 p.m. Crtrm.: 15
21	Defendants.	
22		Complaint Filed November 28, 2006 Trial Commenced: November 6, 2007
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## **DECLARATION OF RAJ LAHOTI**

- I, Raj Lahoti, hereby declare the following:
- 1. I am the Chief Executive Officer and President of Online Guru, Inc. and Edriver, Inc., defendants in this matter. I have personal knowledge of the facts hereinafter stated and, if sworn as a witness, could and would testify competently thereto.
- 2. Following the Court's June 2008 Findings of Fact and Conclusions of Law and Proposed Permanent Injunction, we have employed the following additional measures to ensure that visitors to the DMV.ORG website are aware that they were visiting a privately-owned, independent website:
  - (a) a further disclaimer at the top of each webpage, highlighted in yellow and in 16 point font stating: "DMV.ORG is a **privately owned website** that is **not** owned or operated by any government agency."
  - (b) visitors to DMV.ORG wishing to send a communication to the website must click through two boxes including similar disclaimer language and are warned again not to send any personal/confidential information such as social security numbers.
  - (c) use of "unofficial" or "independent" in search results (sponsored and, where possible, organic) related to traffic school or driver's eduction.
  - (d) removal of any language on DMV.ORG that could be construed as a possible endorsement of a traffic school or driver's education advertiser.
- 3. As a result of these additional disclaimers, since June 2008, we have received almost no emails that include personal information. We specifically reviewed a period chosen at random from the summer, August 17 August 23. During this period, we received a total of 35 emails (about 5 per day across 100,000 visitors), none of which contained any confidential personal information.

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- As a result, since we have placed these additional disclaimers in June 4. 2008, we have received nearly no emails that include personal information.
- On August 29, 2008, the day after receiving a copy of the injunction, 5. we employed the splash page required by the Court and our initial data is showing the immediate loss of hundreds of thousands of visitors to our site before ever seeing our content.
- Upon launching the splash page, we briefly eliminated some of the 6. proactive disclaimers we had put in place. Immediately, we started receiving significantly more e-mails and we started to get more personal information within those e-mails compared to when we used our own proactive measures. We subsequently put back in place all of the proactive measures we had previously implemented.
- DMV.ORG's profits are derived from advertising on the website, and 7. with the significant cut in consumer traffic resulting from the incorporation of the 15 || splash page, advertising revenue has declined greatly, forcing the company under 16 | severe financial distress and will result in even greater impacts over time due to the ongoing negative perceptions of the splash page on the DMV.ORG brand and usability. In response, we have immediately cut advertising expenditures significantly to try to maintain profitability, but this is still proving to be very difficult. And, absent a prompt stay, we will mostly likely have to layoff a significant number of our 19 employees.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I executed this declaration on September 10, 2008 in San Diego, California.